

Senate Bill 452

By: Senators Tate of the 38th, Smith of the 52nd, Grant of the 25th, Davis of the 22nd, Ramsey, Sr. of the 43rd and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,  
2 so as to provide for the establishment of college and university special districts; to provide  
3 for use of a portion of fines and forfeitures from crimes within such districts for the purpose  
4 of enhanced public safety services; to amend said Title 36 and Title 16 of the Official Code  
5 of Georgia Annotated, the "Criminal Code of Georgia," so as to provide that a special district  
6 shall be a drug-free commercial zone and to provide for the punishment of certain drug and  
7 controlled substance offenses within such zone; to provide for heightened punishment of  
8 certain aggravated assaults and aggravated batteries within a special district; to provide for  
9 other related matters; to provide for effective dates and applicability; to repeal conflicting  
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
14 by adding a new Chapter 77 to read as follows:

15 "CHAPTER 77

16 36-77-1.

17 This chapter shall be known and may be cited as the 'College and University Special  
18 District Act of 2010.'

19 36-77-2.

20 As used in this chapter, the terms 'college' and 'university' include each public or private  
21 university, college, and junior college in the state.

36-77-3.

(a) Under the authority of Article IX, Section II, Paragraph VI(a) of the Constitution there is created a college and university special district for the provision of local government services at the location of each college and university.

(b) Each such special district shall include:

(1) All real property contained in the campus of the college or university or used on a regular basis for college or university events; and

(2) All public rights of way directly adjacent to any property described in paragraph (1) of this subsection.

36-77-4.

(a) Each municipal corporation in the state shall, not later than December 31, 2010, prepare a map or plat showing the boundaries of each college and university special district located within the boundaries of the municipal corporation.

(b) Each county in the state shall, not later than December 31, 2010, prepare a map or plat showing the boundaries of each college and university special district located within the boundaries of the county but not within any municipal corporation.

36-77-5.

(a) Notwithstanding the provisions of Chapter 21 of Title 15 or any other law to the contrary, the clerks of the several courts shall pay into a separate special fund for each college and university special district 50 percent of all moneys arising from fines and forfeitures collected by them from cases involving unlawful conduct within the college and university special district.

(b) Where a college and university special district is located within a municipal corporation, the special fund for that college and university special district shall be maintained and disbursed by that municipal corporation. Where a college and university special district is located within an unincorporated area, the special fund for that college and university special district shall be maintained and disbursed by the county within which the college and university special district is located.

(c) The proceeds of each special fund shall be used by the municipal corporation or county exclusively for the purpose of enhancing public safety services for the special district. All or any part of the funds so expended may be expended pursuant to a contract with a college or university under which the funds are used to support law enforcement activities of the college's or university's police force or security services. Each county and municipal corporation shall file with the Department of Community Affairs, in such form and manner as may be specified by the department, an annual report detailing its compliance with this

Code section. Compliance by the county or municipal corporation will be assumed where all funds are expended through one or more contracts as described in this subsection.

36-77-6.

(a) A special district shall by operation of law be constituted as a drug-free commercial zone under Code Section 16-13-32.6, without any necessity for adoption of a local ordinance or further action by the General Assembly. The status of a special district as a drug-free commercial zone shall not be subject to any expiration.

(b) In a prosecution under this Code section, a true copy of a map produced or reproduced by a county or municipal corporation depicting the location and boundaries of the special district shall, if certified as a true copy by the custodian of such records in the county or municipal corporation, be admissible and shall constitute prima-facie evidence of the location and boundaries of such special district.

36-77-7.

The offenses of aggravated assault with a firearm and aggravated battery within a special district shall be subject to heightened sentencing as provided in subsection (l) of Code Section 16-5-21 and subsection (i) of Code Section 16-5-24."

## **SECTION 2.**

Title 16 of the Official Code of Georgia Annotated, the "Criminal Code of Georgia," is amended in Code Section 16-5-21, relating to aggravated assault, by adding a new subsection (l) to read as follows:

"(l) Any person who commits the offense of aggravated assault involving the use of a firearm within a college and university special district as defined in Code Section 36-77-3 shall, upon conviction thereof, be punished by imprisonment for not less than five nor more than 20 years."

## **SECTION 3.**

Said Title 16 is further amended in Code Section 16-5-24, relating to aggravated battery, by adding a new subsection (i) to read as follows:

"(i) Any person who commits the offense of aggravated battery within a college and university special district as defined in Code Section 36-77-3 shall, upon conviction thereof, be punished by imprisonment for not less than five nor more than 20 years."

**SECTION 4.**

Said Title 16 is further amended in Code Section 16-13-32.6, relating to drug-free commercial zones, by adding a new subsection (g) to read as follows:

"(g) A college and university special district established under Chapter 77 of Title 36 shall also constitute a drug-free commercial zone as provided for in Code Section 36-77-6."

**SECTION 5.**

(a) This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval for administrative purposes of determining and establishing special districts and taking administrative actions in preparation for implementation in calendar year 2011.

(b) The provisions of this Act relating to special criminal penalties within special districts shall become effective January 1, 2011, and shall apply with respect to offenses committed on or after that date.

(c) The provisions of this Act relating to allocation of fines and forfeitures shall apply with respect to fines and forfeitures collected on or after January 1, 2011.

**SECTION 6.**

All laws and parts of laws in conflict with this Act are repealed.